

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARNOLD CECIL PURIFOY,

Petitioner,

v.

Case No. 08-20238

Hon. Lawrence P. Zatkoff

UNITED STATES OF AMERICA,

Respondent.

ORDER DENYING
APPLICATION TO PROCEED
IN FORMA PAUPERIS ON APPEAL

On June 2, 2014, Petitioner filed an application to proceed without prepayment of fees on appeal [dkt 65].

Under 28 U.S.C. § 1915(a), “any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding . . . without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor.” The reference to assets of “such prisoner” is likely a typographical error; thus, § 1915(a) applies to all natural persons. *See Floyd v. U.S. Postal Serv.*, 105 F.3d 274 (6th Cir. 1997). If a motion to proceed without prepayment of fees is filed and accompanied by a facially-sufficient affidavit, the Court should allow the complaint to be filed. *See Gibson v. R.G. Smith Co.*, 915 F.2d 260, 261 (6th Cir. 1990) (citing *Phillips v. Carey*, 638 F.2d 207, 208 (10th Cir. 1981)).

On June 9, 2014, the Court issued Petitioner an Order to Show Cause because the Court found that:

Although Petitioner's financial affidavit sets forth his pay for the last seven months, it does not reflect what amount(s) Petitioner has in his account at F.C.I. McKean and/or elsewhere. Therefore, the Court cannot determine whether Petitioner qualifies for *in forma pauperis* status. Accordingly, the Court hereby ORDERS Petitioner to submit to the Court evidence of his financial status, *i.e.*, bank accounts at F.C.I. McKean or elsewhere, on or before July 10, 2014.

As of this date, Petitioner has failed to file any evidence of his financial status, as ordered by the Court. Accordingly, the Court hereby DENIES Petitioner's application to proceed without prepayment of fees on appeal [dkt 65].

IT IS SO ORDERED.

Date: July 24, 2014

S/Lawrence P. Zatkoff
Lawrence P. Zatkoff
United States District Judge